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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,344	08/02/2001	Sherwood G. Talbert	12524	6020

7590 06/09/2003  
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EXAMINER

HOEY, BETSEY MORRISON

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/921,344

Applicant(s)

TALBERT ET AL.

Examiner

HOEY, BETSEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) <sup>1,2,4-26</sup>~~1-26~~, 48-53, 92-94, 96, 97 and 99-101 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) <sup>1,2,4-26</sup>~~1-26~~, 48-53, 92-94, 96, 97 and 99-101 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- ~~1, 2, 4-26~~  
1, 2, 4-26
2. Claims ~~1-26~~, 48-53, 92-94, 96, 97 and 99-101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 48, 92, 93 and 99 are considered incomplete because they recite "an apparatus for providing purified water" (claim 1), "a water purifier" (claim 48), "an apparatus for providing treating water" (claims 92 and 93), and "a water treating system" (claim 99), but do not recite means for purifying or treating water. The specification indicates that water is purified or treated by heating the water in the water heater tank to a sufficient temperature to inactivate microorganisms. Therefore, it appears that the prior mentioned independent claims should recite a water heater tank capable of heating water to a temperature sufficient to inactivate microorganisms and provide purified or treated water, or something similar, in addition to the existing limitations. Without such recitation, it is unclear how or where water is purified or treated within the apparatus or system of the claims. In claims 18 and 19, "said dip tube" lacks antecedent basis. Claims 51 and 52 are rejected because they are worded so as to be method steps, but are dependent on apparatus claims. The remaining claims not specifically mentioned are rejected because they depend on rejected claims.

- ~~1, 2, 4-26~~  
1, 2, 4-26
3. Claims ~~1-26~~, 48-53, 92-94, 96, 97 and 99-101 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

4. The following is a statement of reasons for the indication of allowable subject matter:

1,2,4-26

Claims 1-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, because the prior art of record fails to teach, disclose, or fairly suggest an apparatus for providing purified water comprising a heat exchanger for exchanging heat between purified water and makeup water between a heat exchange surface, having a makeup water inlet, preheated makeup water outlet, a treated water inlet, and at least two treated water outlets for providing purified water at different temperatures; and a water heater tank having an inlet connected to the heat exchanger preheated makeup water outlet, and an outlet connected to the heat exchanger treated water inlet, wherein the water heater tank is capable of heating water to a temperature sufficient to inactivate microorganisms and provide purified water to the heat exchanger.

Claims 48-53 and 99-101 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, because the prior art of record fails to teach, disclose, or fairly suggest a water purifier (claims 48-53) or a water treating system (claims 99-101) comprising a heat exchanger for exchanging heat between purified water and makeup water, having a makeup water inlet, preheated makeup water outlet, a hot treated water inlet, and at least two treated water outlets for withdrawing treated water at a reduced temperature and providing purified water at different temperatures; a water heater having an inlet connected to the heat exchanger preheated makeup water outlet, and an outlet connected to the heat exchanger hot

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treated water inlet, wherein the water heater tank is capable of heating water to a temperature sufficient to inactivate microorganisms and provide purified water to the heat exchanger; and at least one mixing valve with an outlet and at least two inlets, wherein a first inlet is connected to a treated water outlet of the heat exchanger and a second inlet is connected to the water heater outlet, wherein the valves provide purified water at an intermediate temperature between that of the hot purified water and reduced temperature purified water.

Claim 92 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, because the prior art of record fails to teach, disclose, or fairly suggest an apparatus for providing treated water comprising a heat exchanger having a first section and downstream second section, for exchanging heat between sources as recited in the claim, and having the specific inlets and outlets as recited in the claim; a water heater tank; and an auxiliary heater, wherein the heater tank and auxiliary heater have the specific structure and arrangement as recited in the claim, wherein the water heater tank and/or the auxiliary heater is capable of heating water to a temperature sufficient to inactivate microorganisms and provide treated water.

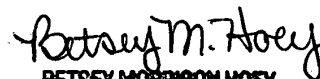
Claims 93, 94, 96 and 97 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, for substantially the same reasons as recited above with regard to claim 1, except that the water heater tank is capable of heating water to a temperature sufficient to inactivate microorganisms and provide treated (rather than "purified") water.

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5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is (703) 305-3934. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6:00 PM, and on alternate Fridays from 8:30 AM to 5:00 PM.

The fax phone number for official after final faxes for this Group is 703-872-9311 for all other official faxes the number is 703-872-9310, and for unofficial faxes the number is (703) 305-7115. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
BETSEY MORRISON HOEY  
PRIMARY EXAMINER  
June 6, 2003